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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,847	11/19/2001	Daniel E. Resasco	5820.615	9377

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EXAMINER

HENDRICKSON, STUART L

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 07/07/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 4/15/08
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-25 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-25 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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The election without traverse is noted.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 15, 16, 19, 20, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. 3746657.

Miller teaches in ex. 3 a catalyst having Co, more than 2 parts Mo and other metals on silica.

The intended use claimed does not limit the catalyst.

Claims 1, 2, 4, 5, 15, 16, 19-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson.

Thompson teaches in column 2 and 3 a catalyst having silica, Mo and Co in amounts less than 20 each. While not teaching an example which anticipates the claims, it nonetheless renders the claims obvious since choosing the claimed metals, supports and amounts thereof is an obvious matter of optimization; In re Boesch 205 USPQ 215. The intended use claimed does not limit the catalyst.

Claims 3, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson as applied to claims 1, 2, 4, 5, 15, 16, 19-23 and 25 above, and further in view of de Boer et al.

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Thompson only teaches one group VI metal, but de Boer teaches in column 9 the option of having Mo and W. Using W in the catalyst of Thompson is an obvious expedient to gain better activity for a hydrotreating catalyst.

Claims 6, 7, 9, 13, 15-17, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Blaskie et al.

Blaskie teaches in table 1 a catalyst of Rh, Cr on silica. The intended use claimed does not limit the catalyst.

Claims 8, 11, 12, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaskie et al.

Blaskie does not exemplify the other compositions, but suggests in column 1 the metals as additives and the amounts- note especially claim 7 of the reference. Forming the claimed compositions is thus an obvious expedient of optimization; In re Boesch, id.

Claims 6, 7, 10, 13, 14, 15, 16 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al.

Suzuki teaches in the tables catalysts containing Pd, group VI metal anions, on silica.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (703) 308-2539.



Stuart Hendrickson
examiner Art Unit 1754